

### **REMARKS**

The Applicant acknowledges the allowance of claim 7. The Applicant has amended some of the dependent claims to depend from claim 7 so that claims 8-15 are also in condition for allowance.

With respect to the Brinkhurst '450 and '452 rejections, the Applicant submits the Brinkhurst publications only disclose the possibility of an adhesive tape in combination with the resilient clips (23 and 24) that are disclaimed in the independent claims of this application. The material cited by the Examiner on pages 4 and 5 of the references only speculates that an adhesive tape "may be possible." Such speculation cannot be used as a disclosure to anticipate a claim. All of the Brinkhurst embodiments disclosed in the publications use the external clips (23 and 24) to hold the covers in place. The Brinkhurst '450 and '452 references fail to disclose all of the elements of the claims as required by section 102.

The Applicant further submits that the Brinkhurst references cannot be used to establish a prima facie case of obviousness. A prima facie case of obviousness requires all of the elements of the claim to be disclosed in the combination of references. As noted above, the Applicant submits Brinkhurst only speculates about the use of the tape and discloses no solutions without the use of the external clips. Further, a prima facie case of obviousness requires the reference to disclose a likelihood of success. Brinkhurst does not have the requisite likelihood of success. The Applicant thus submits that the claims are patentable over the Brinkhurst references whether taken alone or in combination with other references.

The Applicant has added new claims 24-26 that recite the relationship between the covers and the pages when the covers are closed. The Brinkhurst references disclose a storage container having covers that are disposed inside the edges of the pages so that the page edges are exposed when the covers are closed. In the present invention, the front and rear covers entirely overlap the pages as shown in Fig. 2 of the application.

The Applicant respectfully traverses the rejection of claim 1 based on Hanselmann. Hanselmann's pages are not connected to the spine along the edges

of the pages. Hanselmann's pages are connected to bars (E) that are held at their upper and lower ends by the spine (C). The page edges are thus not connected to the inner surface of the spine as required by claim 1. Claim 1 is thus not anticipated by Hanselmann.

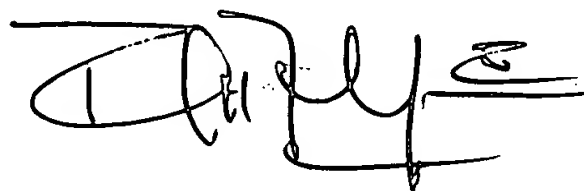
The amendments to claim 1 overcome the rejection of claim 1 based on Dudzik. In addition to the amendments to claim 1, the Applicant submits Dudzik does not disclose a cover having a spine such as that recited in claim 1. Dudzik is an integrally-molded product that uses a portion of the page to act as the spine after the device is fabricated.

The Applicant has submitted another supplemental Information Disclosure Statement and respectfully requests the Examiner to consider the reference cited on form 1449. This reference was sent to the Applicant after the date of the last office action.

In view of the foregoing, the Applicant respectfully requests reconsideration of the claims and most earnestly solicits the issuance of a formal notice of allowability for the claims.

Respectfully submitted at Canton, Ohio this 16<sup>th</sup> day of September, 2004.

SAND & SEBOLT

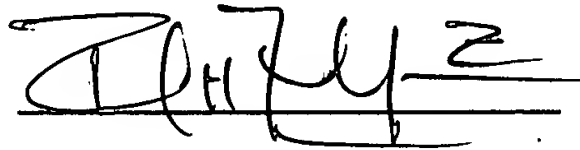
A handwritten signature in black ink, appearing to read 'Fred H. Zollinger, III', with a stylized flourish at the end.

By: Fred H. Zollinger, III  
Reg. No. 39,438

Zollinger & Burleson, Ltd.  
P.O. Box 2368  
North Canton, OH 44720  
phone 330-526-0104  
FHZ  
Attorney Docket: 1949001US3APP

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I hereby certify that this correspondence (Amendment D in application serial no. 09/883,619 filed June 18, 2001) is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
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A handwritten signature in black ink, appearing to read 'FHZ', is written over a horizontal line.

Fred H. Zollinger III  
Reg. No. 39,438